

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MOTOWN RECORD COMPANY,
L.P., et al.,

Plaintiffs,

v.

JAMES NELSON, et al.,

Defendants.

CIVIL ACTION NO. 04-73646

DISTRICT JUDGE BERNARD A. FRIEDMAN

MAGISTRATE JUDGE DONALD A. SCHEER

ORDER DENYING DEFENDANTS'
MOTION FOR RECONSIDERATION

Defendants' Motion for Reconsideration of the Magistrate Judge's Order of October 14, 2005 was referred for hearing and determination. The motion relates to the same subject matter as Plaintiffs' Emergency Motion for Leave to Depose Juan Compian and to Extend the Deadline to Depose Emma Granado. Because the subject matter has been previously addressed, the court finds that no hearing is necessary.

By a separate Order on this date, the court has extended the time limitation in the October 14, 2005 Order relating to the deposition of Emma Granado. The inconsistent sworn statements of the witness raise serious concerns for the integrity of the trial process in this action. I am satisfied that those issues would be best addressed by an additional deposition of the witness, on proper notice, in compliance with the Federal Rules of Civil Procedure. The ex parte statement of June 30, 2005 was stricken as a sanction for defendants' failure to comply with the Federal Rules of Civil Procedure. I find no cause to reconsider the October 14, 2005 Order.

IT IS THEREFORE ORDERED that Defendants' Motion for Reconsideration is denied.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: November 21, 2005

CERTIFICATE OF SERVICE

I hereby certify on November 21, 2005 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on November 21, 2005. **John Hermmann.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217